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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,936	02/14/2001	Vivian E. Mack Strong	19603/4071(CRF-D-2598A)	1665

7590 02/02/2004

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EXAMINER

KRASS, FREDERICK F

ART UNIT	PAPER NUMBER
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1614

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20040129

DATE MAILED:

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Commissioner for Patents

1. The response dated October 23, 2003 is not fully responsive insofar as it does not elect a primary species of treatment or prophylaxis. The current examiner recognizes that the election of species requirement set out by the previous examiner is less than a model of clarity, but it appears from the record that "sepsis" was intended as a secondary condition. Applicant's failure to elect a primary condition is reflected in the fact that the elected therapeutic modality, "treating sepsis", is not within the scope of claims 24-27 as argued by Applicant. Those claims are drawn to methods of prophylaxis, not treatment.

Applicant is should re-elect a therapeutic modality from the following group:

- a) methods of treating patients at risk for systemic inflammatory response syndrome and
- b) methods of treating patients having systemic inflammatory response syndrome.

Once one of these primary modalities is elected, Applicant should then elect any sub-modalities also present, e.g. sepsis with "a)" or burn injury with "b)".

2. The examiner requests that Applicant call the new examiner to discuss the case before making an election.

3. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick Krass whose telephone number is (703) 308-4335. The examiner can normally be reached on Monday, Tuesday and Thursday from 9am to 5pm, and on Fridays from 11am to 7pm. The examiner is off Wednesday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Seidel, can be reached at (703) 308-4725. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0193.

FREDERICK KRASS
PRIMARY EXAMINER
GROUP 1600
[Signature]